

## COTTAGE FOOD LAW REPORT

# Bayfield County

Wisconsin · Washburn · FIPS 55007 · Population 15,473 ·  
Crosodo Index #2436\*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Wis. Stat. §97.29	Freedom	Tiered	MEDIUM	2026-05-06

**IMPORTANT — NOT LEGAL ADVICE**

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

**Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision.** Consult a licensed attorney for advice specific to your situation.

WISCONSIN: BAYFIELD COUNTY

CROSODO INDEX #2436\* · FIPS 55007 · Washburn

# Bayfield County

Population 15,473 · State baseline: Wis. Stat. §97.29 · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

### HOME KITCHEN ALLOWED?

Conditional (Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) sold at community events or farmers markets, capped at \$5,000/year; (2) The Kivirist injunction (2017) prohibits DATCP from enforcing licensing requirements against home bakers of good character who sell nonhazardous shelf-stable baked goods directly to consumers; (3) The 2024 Court of Appeals ruling (2024 WI App 69) confirmed unbaked goods (candies, fudge, chocolates) are NOT covered by the Kivirist exception.)

### SEPARATE KITCHEN REQUIRED?

No

### PETS ALLOWED?

No specific state prohibition for cottage food bakers; standard food safety practices apply.

### HOME OCCUPATION PERMIT?

Varies (Bayfield County follows standard Wisconsin local government zoning framework. Home occupation permits may be required under Bayfield County zoning ordinance. No Bayfield County-specific cottage food overlay identified. Washburn (county seat) has its own rules within city limits.)

### ON-SITE / PORCH PICKUP?

Conditional

### INSPECTION REQUIRED?

No (DATCP has declined to enforce against qualifying home bakers per Kivirist injunction; complaint-driven action possible.)

## Home kitchen rules

### HOME KITCHEN ALLOWED

Conditional — Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) sold at community events or farmers markets, capped at \$5,000/year; (2) The Kivirist injunction (2017) prohibits DATCP from enforcing licensing requirements against home bakers of good character who sell nonhazardous shelf-stable baked goods directly to consumers; (3) The 2024 Court of Appeals ruling (2024 WI App 69) confirmed unbaked goods (candies, fudge, chocolates) are NOT covered by the Kivirist exception.

### SEPARATE DEDICATED KITCHEN

No

### PET RESTRICTIONS

No specific state prohibition for cottage food bakers; standard food safety practices apply.

### WATER SUPPLY

No specific requirement under the Wisconsin cottage food framework.

### HANDWASHING

Standard food safety sanitation practices apply.

### FOOD STORAGE

Shelf-stable, non-potentially-hazardous baked goods only; proper storage required.

### Inspection & permitting

<b>INSPECTION REQUIRED</b>	No — DATCP has declined to enforce against qualifying home bakers per Kivistik injunction; complaint-driven action possible.
<b>HOME OCCUPATION PERMIT</b>	Varies — Bayfield County follows standard Wisconsin local government zoning framework. Home occupation permits may be required under Bayfield County zoning ordinance. No Bayfield County-specific cottage food overlay identified. Washburn (county seat) has its own rules within city limits.
<b>LOCAL BUSINESS LICENSE</b>	Varies

### Customer-facing rules

<b>ON-SITE CUSTOMER PICKUP</b>	Conditional
<b>ON-SITE SIGNAGE</b>	Conditional
<b>DELIVERY / PICKUP RULES</b>	Direct-to-consumer only for Kivistik-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/year). No wholesale or retail sales allowed under either exception.
<b>MAX EMPLOYEES IN HOME</b>	Not specified by state cottage food framework; home occupation zoning rules may apply.

### Relevant county code

Bayfield County Zoning Ordinance (home occupation provisions); Wis. Stat. §97.29

#### RESEARCH NOTES

Bayfield County is a rural northern Wisconsin county on Lake Superior containing the Apostle Islands. No county-specific cottage food rules identified. State baseline (Kivistik/Pickle Bill) is operative. Defaulting to state baseline with medium confidence.

#### SOURCES VERIFIED AT RESEARCH TIME

- <https://www.bayfieldcounty.org>
- [https://datcp.wi.gov/Pages/Programs\\_Services/CottageFoodLaws.aspx](https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx)
- <https://docs.legis.wisconsin.gov/statutes/statutes/97/29>

**Questions?** Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://crosodo.com/nb/wisconsin/bayfield-county-discuss>

## Bordering counties — cottage food law

Regulation	Bayfield County	Ashland County	Douglas County
HOME KITCHEN ALLOWED	Conditional	Conditional	Conditional
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state prohibition for cottage food bakers; standard food safety practices apply.	No specific state prohibition for cottage food bakers; standard food safety practices apply.	No specific state prohibition for cottage food bakers; standard food safety practices apply.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Conditional	Conditional	Conditional
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct-to-consumer only for Kivist-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/ye...	Direct-to-consumer only for Kivist-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/ye...	Direct-to-consumer only for Kivist-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/ye...
HOME OCCUPATION PERMIT	Varies	Varies	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acid...	Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acid...	Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acid...
FOOD STORAGE	Shelf-stable, non-potentially-hazardous baked goods only; proper storage required.	Shelf-stable, non-potentially-hazardous baked goods only; proper storage required.	Shelf-stable, non-potentially-hazardous baked goods only; proper storage required.
POPULATION	15,473	15,562	43,857

## State context — Wisconsin cottage food law

Bayfield County's rules sit on top of Wisconsin's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

<b>STATUTE</b> Wis. Stat. §97.29	<b>ANNUAL SALES CAP</b> Tiered
<b>REGISTRATION REQUIRED</b> No	<b>FOOD HANDLER CERT</b> No
<b>KITCHEN INSPECTION</b> No	<b>DIRECT SALES ONLY</b> Yes
<b>INDIRECT SALES</b> No — Home-canned goods must be sold at community or social events or farmers' markets in Wisconsin (§97.29(2)(b)2.b). The Kivist court order applies to direct-to-consumer sales by home bakers. Products cannot be sold to retail food establishments or distributed through wholesale channels without a license.	

For the full state-level analysis including the verbatim statute text, see the [Wisconsin cottage food law report](#).

### STATE-LEVEL REFERENCES

State statute: <https://docs.legis.wisconsin.gov/statutes/statutes/97/29>

State dept cottage food page: [https://datcp.wi.gov/Pages/Programs\\_Services/CottageFoodLaws.aspx](https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx)

Forrager.com: <https://forrager.com/law/wisconsin/>

**Questions?** Join the Crosodo Forum to discuss Bayfield County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/wisconsin/bayfield-county-discuss>

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Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours free on the Crosodo Forum.

[crosodo.com/nb/wisconsin/bayfield-county-discuss](https://crosodo.com/nb/wisconsin/bayfield-county-discuss)

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